

APPLICATION INSTRUCTIONS FOR THE CITY OF TROY ZONING BOARD OF APPEALS

You are receiving these instructions because you have been informed by the Troy Bureau of Code Enforcement that you must request a Zoning Variance for your proposal. Only the Zoning Board of Appeals is empowered to approve request for a Zoning Variance. These instructions will explain:

- A. Overview of Zoning Process
- B. What a Zoning Variance is,
- B. What the Troy Zoning Board of Appeals is,
- C. How to apply for a Zoning Variance,
- D. What a Zoning Application package consists of,
- E. What YOU must do to qualify for your Zoning Variance.

A.

1. The first step is to make an appointment with the director of Code Enforcement (270-4647). The director will go over your project with you and decide what Board approvals you will need. When the director has officially 'denied' your project until Board reviews are complete, they will take you to the Planning Department staff to sign up for the next available Zoning Board agenda.
2. At this meeting with staff you will be issued notification signs to be posted, file the Planning Board fee (see fee schedule, Check Payable to: City of Troy), and fill out a Short SEQRA form and application.
3. Staff will write a report based on the Zoning Ordinance guidelines that will explain what you have to prove to the Zoning Board. Staff will send the report and agenda six days prior to the meeting.
4. You will attend the meeting and prove your case.
5. When your case has been approved, take your approval letter back to Code Enforcement to reapply for a building permit.

B. A Zoning Variance is simply a special approval given to you by the Board. This special approval allows you to do something that is not expressly permitted, in the manner proposed, by the Zoning Ordinance. It does not change the zoning of your property or of the neighborhood; it ONLY allows you to do something on your property that is not normally permitted.

C. The Troy Zoning Board of Appeals is comprised of five residents of the City of Troy. Each of these individuals is very familiar with the entire city. When making zoning decisions, you can be assured that the Zoning Board members have been fully informed regarding each case and have the best interests of the community in mind.

The Zoning Board of Appeals meets once each month on the fourth Thursday of each month. Zoning Board hearings are public meetings, by law. They are held at 6:00 P.M. in Troy City Hall. You, or someone representing you, MUST attend the Zoning Board meeting at which your zoning appeal is to be heard. At the meeting you will be asked to:

1. FULLY describe your proposal,
2. Provide ALL relevant information required,
3. Answer any questions the Board may have.

Usually the Zoning Board will make a decision regarding your appeal on the night it is scheduled to be heard.

D. The filing deadline for these meetings are usually 3:30 P.M. on the Wednesday 3 weeks preceding the meeting. Therefore, you must make a complete application by that deadline in order to be placed on the agenda of the Zoning Board. Your application will not be placed on any agenda of the Zoning Board until such time that your application is complete and submitted before the appropriate filing deadline. The earlier you file the better.

Approximately two weeks prior to the public hearing you will receive your written official notification/confirmation that

you are on the agenda of the Zoning Board for the next scheduled meeting. You should read the description of your proposal very carefully. This is the same description that will appear in a legal notice in the local newspaper, and, if incorrect, could result in a suspension of the review of your proposal until a correct description has been published.

Approximately one week prior to the public hearing a copy of the staff report will be mailed to the name and address indicated on your application. This staff report is the same report that the Zoning Board members will receive for your proposal. You should read it carefully and be prepared to address any issues raised therein.

Approximately one week before the scheduled public hearing at least six adjacent neighbors of your property to be reviewed will be notified of your appeal. Law requires notification to these neighbors.

Finally, you MUST attend the Zoning Board hearing. Failure to do so will result in a postponement of the review for your proposal.

D. An acceptable application to the Zoning Board of Appeals consists of the following:

1. A completed application form,
2. A completed short environmental assessment form and;
3. The appropriate filing fee, and;
4. A complete, accurate legible scaled site plan prepared in accordance with the attached sheet.

Please note that you must provide at least twelve (12) copies of your site plan if it is larger than 11 inches by 17 inches. If your site plan is this size or smaller, you may submit just one original. **DO NOT REDUCE THE ORIGINAL ON A COPY MACHINE.** You should also note that your site plan should describe ALL existing conditions, as well as any proposed changes, and must address all of the listed elements on the attached sheets.

E. The following is a list of the Variances you may be seeking: (explanations of these

() An Area Variance - You must demonstrate that a Practical Difficulty exists.

() A Use Variance - You must prove:

1. That the land property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. that need for the variance was not caused by the applicant; and
3. that the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and
4. that the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonable uses of the Zoning Ordinance itself.

() A Special Use Permit – The board cannot authorize a Special Use Permit if any of the following conditions can be expected to result:

1. Substantial injury to the value of adjacent and nearby properties.
2. Landscaping and screening requirements of this Ordinance are not met on the site plan.
3. The Special Use is expected to impair the public health, or safety, or convenience, or welfare, or property values, or aesthetic values, or environmental quality of adjacent and nearby properties.

() A Change of Non-conforming use

ZBA must determine that the proposed non-conforming use or modification is no less appropriate to the character of the neighborhood and zone district in which it is to be located.

() A Flood Zone Variance - See Floodplain management Ordinance.

REQUIRED SITE PLAN ELEMENTS FOR THE TROY ZONING BOARD OF APPEALS

You have been given this sheet to assist you in the preparation of an acceptable site plan for submittal to the Troy Zoning Board of Appeals. Please bear in mind that the Zoning Board members will know little more about your proposal than what you tell them on the site plan. Therefore, it is important that you FULLY describe both the existing conditions on your property and your proposal in accordance with these instructions.

You must submit a neat, scaled, legible, accurate and complete site plan on a sheet of paper no larger than 11 inches by 17 inches before the filing deadline date noted on the application instructions. If you choose to submit a site plan on paper larger than that indicated above, you must submit at least seven (7) copies.

Any questions you may have concerning the preparation of your site plan can be answered by calling the staff of the City of Troy Zoning Board of Appeals at 270-4619.

SITE PLAN ELEMENTS

1. Show the following information as notations on the site plan:

- a. Indicate the applicant's full name and address AND the property owner's full name and address (if the same, indicate such).

b. Indicate the property by its' street address, ward and plate number and tax map identification number.

c. Provide today's date and a north arrow.

d. Identify the scale of the drawing (e.g. 1" = 20'-0").

e. Indicate the zoning district_____,.

f. Provide a brief description of your proposal.

The following elements should constitute the full site plan.

2. Show the boundary lines of the subject property and provide the dimension at each change of direction of the boundary line.

3. Draw all the buildings and accessory structures on the property (e.g. garages, swimming pools, storage sheds) and provide the following information for each:

a. Complete building dimensions; length, width, height.

b. Show the distances from the building to the nearest property lines.

4. Indicate the extent of all fences surrounding the property and describe the type of fencing (e.g. 4 ft. high chain link fence,)

5. Indicate all existing and proposed landscaping and significant land features on the subject property. List type, height, location and size(s) for all features.

6. Draw the locations of all the buildings on adjacent properties and provide the following information:

a. Approximate building dimensions,

b. Approximate distances to the property lines,

c. Describe the uses of the buildings,

d. Identify the construction if the buildings; (e.g. 2-story, 2-family, brick residence).

7. Draw the locations of the curb lines of all streets and alleys adjoining property and provide the name of the street or alley, if any.

8. Draw the existing and/or proposed off street parking areas and provide all the required design criteria as per the attached sheets.

9. Indicate the existing and/or proposed sign locations; if none, so note same on the site plan.

10. Prepare a scaled drawing of any existing and/or proposed signs and provide the following information:

a. Overall sign dimensions,

b. Sign colors,

- c. Method of illumination (if none, so state),
- d. Sign message(s) (e.g. Sam's Deli open 24 hours),
- e. Indicate the installation height of the bottom of the sign above the surrounding grade level.

- NOTE: For all those applicants who must also apply to the Planning Board for subsequent approval, the site plan elements listed above will NOT constitute a complete site plan for submission to the Planning Board staff. However, the site plan elements required for the Planning Board DO create an acceptable site plan for submission to the Zoning Board. You should consider fulfilling the Planning Board's site plan requirements, instead of the Zoning Board's, for expediency and economic reasons, if there is adequate time available.